REMARKS:

The claims presented in this application and this preliminary amendment are presented for the purposes of provoking an interference with US Patent 6,544,212, a copy of which is attached hereto. Specifically, applicants have copied claim 1 of the 6,544,212 application as new claim 9.

Applicants hereby propose that claim 9 serve as the count. Accordingly, claim 9 of the instant application would correspond to the count since it is the count. And claim 1, of the 6544212 patent corresponds directly to the count because it is also identical to the count.

Alternatively, applicants propose that claim 1 of the instant application serve as the count and accordingly, claim 1 of the instant application would correspond to the count. And claim 1 of the 6544212 patent would also correspond to the alternative count. The bolded text in the table below demonstrates clearly that that the patent claim corresponds to the alternative proposed count, as it is indisputable that the bolded text in each column has the same scope.

Applicants' claim 1	US 6,544,212 claim 1
1. A system **for assisting a diabetic subject in controling blood glucose** levels, the system comprising: a. an **insulin delivery** unit; b. a **blood glucose monitor** c. a **master module** that includes a **processor** that is **configured to receive a blood glucose** value from	1. A system for providing **glycemic control** to a subject, the system comprising: an **insulin delivery** unit, a glucose sensor, a **control unit** including a **processor** unit **that receives glucose value** readings

the **blood glucose monitor** and	from the **glucose sensor,**
to run a model that predicts a future glucose value and **compares that value with a target value** and	**executes an algorithm that predicts a glucose value** at a pre-determined time in the future, **compares that predicted glucose value to a pre-determined glucose value range,** and
then predict a dose of insulin that will result in an acceptable blood glucose level	**determines a corrective amount of insulin to be administered** when the predictive glucose value lies outside of the pre-determined glucose value range and
wherein **the dose of insulin is transmitted to the insulin delivery unit**	**communicates the corrective amount to the delivery unit.**

In addition, Applicants assert that all claims in the issued patent are obvious in view of the proposed count or the alternative count and therefore they should all be designated as corresponding to the count.

Support for the claims 1-9 can be found in the specification. The claims are reproduced below with bold/bracketed text that indicates where support for each element can be found in the specification.

1. A system for assisting a diabetic subject in controlling blood glucose levels, the system comprising:

a. insulin delivery unit [see p. 9, lines 10, 18, Figure 5];

b.blood glucose monitor [see p 20, lines 4-9, Figures 5&6];

c. a master module [p. 28 line 14] that includes a processor that is configured to receive a blood glucose value from the blood glucose monitor [see p 20, lines 4-9] and to run a model that predicts a future glucose value [p. 13 lines 21-27] and compares that value with a target value and then predict a dose of insulin that will result in an acceptable blood glucose level [p 13, line 29- p. 14 line 2; see also p. 21, lines 4-14]

d. rein the dose of insulin is transmitted to the insulin delivery unit [see p. 21 lines 4-14].

2. The system of claim 1, wherein the processor is configured to receive other data from the subject. [p. 8 lines 6-30]

3. The system of claim 2 wherein the data includes information on size and type of meal to be ingested and anticipated duration and intensity of exercise. [8, lines 8-13].

4. A system for assisting a diabetic subject in controling blood glucose levels, the system comprising:

a. A first device [see p. 9, lines 10, 18, Figure 5];

b. A blood glucose monitor [see p 20, lines 4-9, Figures 5&6];

c. A master module [p. 28 line 14] that includes a processor that is configured to receive a blood glucose value from the sensor [see p 20, lines 4-9] and to run a model that predicts a glucose value [p. 13 lines 21-27] and compares that value with a target value and then predicts one or more courses of treatment that will result in an acceptable blood glucose level [p 13, line 29- p. 14 line 2; see also p. 21, lines 4-14].

5. The system of claim 4, wherein the first device receives a proposed course of treatment for the subject to implement. [see p. 21 lines 4-14].

6. The system of claim 5, wherein the first device is an insulin delivery device. [see p. 21 lines 4-14].

7. A tool for assisting a diabetic in achieving glycemic control, the tool comprising:

a. A processor configured to model the human carbohydrate metabolism

    b. An input means for receiving data about the subject

    c. a proposal generator for proposing one or more courses of treatment that will result in a future blood glucose level being in acceptable range, wherein the processor will only propose a course of treatment if there is a corresponding device present that can carry out the proposed course of treatment.

8. The tool of claim 7, wherein the processor is configured to propose at least one course of treatment includes administering a dose of insulin and wherein that proposal is automatically transmitted to an insulin delivery device.

9. (New) A system for providing **glycemic control** to a subject, the system comprising:

an insulin delivery unit **[see p. 9, lines 10, 18, Figure 5]**,

a glucose sensor **[see p 20, lines 4-9, Figures 5&6]**,

a control unit **[p. 28 line 14]** including a processor unit

that receives glucose value readings **[see p 20, lines 4-9]**

from the glucose sensor, executes an algorithm **[p. 13 lines 21-27]** that predicts a glucose value at a pre-determined time in the future,compares that predicted glucose value to a pre-determined glucose value range, and determines a corrective amount of insulin to be administered when the predictive glucose value lies outside of the pre-determined glucose value range **[p 13, line 29- p. 14 line 2; see also p. 21, lines 4-14]** and a communications unit that transmits the corrective amount to the delivery unit[see **p. 21 lines 4-14]** .

Conclusion

For the reasons set forth above, applicants respectfully assert that the pending application

interferes with US Patent 6,544,212 and request that an interference be declared. The

applicants suggest that either claim 9 or claim 1 serve as the basis for a Count or Counts.

Respectfully submitted,

Date: September 17, 2003

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